



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 21-1641

Released: December 23, 2021

WIRELINE COMPETITION BUREAU APPROVES THE REVISED COMPLIANCE PLAN OF AIRVOICE WIRELESS, LLC

WC Docket Nos. 11-42 and 09-197

The Wireline Competition Bureau (Bureau) hereby approves the revised compliance plan¹ of AirVoice Wireless, LLC (AirVoice) filed pursuant to the requirements for the continued provision of Lifeline service.²

The Act provides that a carrier be designated as an eligible telecommunications carrier (ETC) to receive universal service support.³ The Commission has required that all non-facilities based telecommunications carriers seeking Lifeline-only ETC designation must meet the following conditions: (1) compliance with certain 911 and enhanced 911 (E911) public safety requirements; and (2) Bureau approval of a compliance plan providing specific information regarding the carrier and its service offerings and outlining the measures the carrier will take to implement its obligations.⁴

The Bureau has clarified that any transfer of ownership or control of an ETC with an approved Lifeline compliance plan requires approval in advance of the transaction.⁵ This includes renewing compliance plan approval for changes in the corporate ownership and control of the ETC.⁶

In accordance with this requirement, AirVoice submitted a revised compliance plan to reflect the proposed acquisition of AirVoice by VTel Holdings, LLC (VTel), and to otherwise update AirVoice's

¹ AirVoice Wireless, LLC Revised Compliance Plan, WC Docket Nos. 09-197, 11-42 (filed May 17, 2021), <https://ecfsapi.fcc.gov/file/10518342614357/FCC%20AIR%20Revised%20CP%20Filing%205.17.21.pdf> (AirVoice Revised Compliance Plan).

² See *Lifeline and Link Up Reform and Modernization et al*, 27 FCC Rcd 6656, 6816, paras. 379-380 (2012) (2012 Lifeline Reform Order); *In the Matter of Lifeline & Link Up Reform & Modernization*, 30 FCC Rcd 7818 (2015) (2015 Lifeline Order).

³ 47 U.S.C. § 214(e)(1)(A).

⁴ See *2012 Lifeline Reform Order*, 27 FCC Rcd at 6814, 6819, paras. 373 and 389. Subsequently, the Bureau provided guidance for carriers submitting compliance plans pursuant to the *2012 Lifeline Reform Order*. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, Public Notice, 27 FCC Rcd 2186 (WCB 2012).

⁵ *Wireline Competition Bureau Reminds Carriers of Eligible Telecommunications Carrier Designation and Compliance Plan Approval Requirements for Receipt of Federal Universal Service Support*, Public Notice, 29 FCC Rcd 9144, 9145 (WCB 2014) (2014 ETC Public Notice).

⁶ *Id.*

Compliance Plan in conformance with changes to the Commission's rules since approval of AirVoice's previously approved Compliance Plan.⁷

AirVoice is a Lifeline ETC in California, Kentucky, Michigan, Mississippi, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, and Wisconsin.⁸ Pursuant to the terms of a Membership Interest Purchase Agreement dated May 17, 2021, VTel will purchase 100% of the membership interests of AirVoice, contingent on receipt of the necessary regulatory approvals.⁹ Following the proposed change in ownership, AirVoice's corporate and trade names and identifiers will remain unchanged. Further, AirVoice attests that the transaction will not result in any loss or impairment of service for any customer, and that customers will continue to receive their existing services at the same or better rates, terms, and conditions currently in effect.¹⁰

The Bureau has reviewed AirVoice's Revised Compliance Plan for conformance with the relevant requirements, and now approves the Revised Compliance Plan. We note that with respect to this matter, AirVoice will remain the only entity with an approved compliance plan. Additionally, AirVoice must continue to comply with any future additions to or amendments of the Lifeline program rules unless it has relinquished its relevant designation(s) pursuant to section 214(e)(4) of the Act.¹¹

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-7400 or TTY (202) 418-0484.

For further information, please contact John Lockwood, Telecommunications Access Policy Division, Wireline Competition Bureau at john.lockwood@fcc.gov.

- FCC -

⁷ See AirVoice Revised Compliance Plan at 1-2.

⁸ *Id.* at 2.

⁹ *Id.* at 17.

¹⁰ *Id.* at 19.

¹¹ See 47 U.S.C. § 214(e)(4).